



U.S. Department of Justice

Environment and Natural Resources Division

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December 26, 2001

Chambers of the Honorable Donovan W. Frank
Attn: Lowell Lindquist
United States District Court
738 Federal Building
316 N. Robert Street
St. Paul, MN 55101

Re: United States v. Metropolitan Council, Case No. 99-CV-1105 (DWF/AVB)

Dear Mr. Lindquist:

At your request, I am enclosing a proposed Order for the "United States' Motion to Approve Consent Decree Amendment," filed in the above-captioned action on December 20, 2001.

Sincerely,

RANDALL M. STONE
Trial Attorney

Enclosure

Copies (with Enclosure) to:

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Civil No 99-CV-1105 (DWF/AJB)

Plaintiff,

v.

ORDER

METROPOLITAN COUNCIL,

Defendant.

Friedrich A.P. Sickert, Esq., Assistant United States Attorney, 600 United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415; Randall M. Stone, Esq., United States Department of Justice, P.O. Box 7611, Washington, DC 20044, counsel for Plaintiff.

Robert E. Cattanch, Esq., Dorsey & Whitney, 50 South Sixth Street - Suite 1500, Minneapolis, MN 55402, counsel for Defendant.

The above-entitled matter is before the Court on the motion of the Plaintiff, United States of America, with the consent of the Defendant, Metropolitan Council, moving the Court to approve an agreed Consent Decree Amendment that was lodged with the Court on September 4, 2001. Neither the United States nor Metropolitan Council has requested a hearing on the motion.

The Consent Decree Amendment would substitute an Amended Appendix C to the Consent Decree, in place of the Appendix C that was part of the Consent Decree originally approved and entered in this case. By agreement between the United States and Defendant Metropolitan Council, the Amended Appendix C would describe a modified Supplemental Environmental Project to be performed by Metropolitan Council under the Consent Decree. No other terms of the Consent

Decree would change. A copy of the Amended Appendix C is attached to this Order

ORDER

Based on the foregoing and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The United States' Motion Approve Consent Decree Amendment is **GRANTED**.
2. The Consent Decree Amendment is approved, and the Consent Decree previously approved by the Court is hereby amended by substituting the attached Amended Appendix C for the Appendix C that was part of the Consent Decree originally approved and entered in this case.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: _____, 2002

DONOVAN W. FRANK
Judge of the United States District Court

AMENDED APPENDIX C

United States v. Metropolitan Council

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Met Council proposes to add a fabric filter ("FF") to the air pollution control train of one of the new fluidized bed incinerators at the Met WWTP.

A base air pollution control train comprised of a wet scrubber followed by a wet electrostatic precipitator ("ESP") is required for removing particulate matter (both PM and PM-10) from the flue gases emitted from a fluidized bed incinerator. The wet scrubber will primarily remove PM/PM10 and acid gases while the wet ESP will remove particulate matter and the heavy metals that exist as condensable oxides and salts. The FF will be added ahead of the wet scrubber in the air pollution control train to provide enhanced particulate removal.

In the FF, flue gas is passed through a fabric, causing PM to be collected on the fabric by sieving or other mechanisms. During operation, a dust cake also forms on the filter from the collected PM and significantly increases collection efficiency. Particles are collected on the fabric and drop into a hopper below the unit. Pulse-jet cleaning with a short burst of high pressure air also is used to dislodge the dust cake from the fabric.

This SEP will result in a significant net environmental benefit. The FF will result in a significant additional reduction in PM/PM-10 emissions from the incinerator. While the actual reduction will vary depending on actual sludge throughput in the incinerator, the maximum additional reduction is projected to be approximately 3.5 tons of PM/PM-10 per year, based on design capacity. The combination of the FF and the wet scrubber/wet ESP effectively will achieve among the highest level of PM/PM-10 emissions reduction feasible. The FF will also achieve enhanced mercury removal.

The FF will be installed in conjunction with the construction of the fluidized bed incinerator. The FF will be operational at the startup of the incinerator. The estimated cost of adding the FF to an incinerator air pollution control train is in excess of \$1.6 million (as measured by 1998 dollars).

Met Council hereby represents that the FF is not required by NSPS regulations or Minnesota SIP performance requirements.